

28 MAR 2007



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PATTERSON & SHERIDAN LLP  
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595 Shrewsbury Avenue  
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Shrewsbury, NJ 07702

In re Application of:	:	
ODDO, et al.	:	
U.S. Application No.: 10/552,784	:	DECISION ON PETITION
PCT No.: PCT/US2004/010311	:	UNDER 37 CFR 1.47(a)
International Filing Date: 02 April 2004	:	
Priority Date: 03 April 2003	:	
Attorney's Docket No.: SEDN/PRED115	:	
For: CONTENT NOTIFICATION AND	:	
DELIVERY	:	

This decision is issued in response to applicants' Renewed Petition Under 37 CFR 1.47(a), filed 22 January 2007.

### **BACKGROUND**

On 02 April 2004, applicants filed international application PCT/US2004/010311. The international application claimed a priority date of 03 April 2003, and it designated the United States. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 03 October 2005.

On 29 September 2005, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 11 May 2006, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirement (Form PCT/DO/EO/905) indicating that an executed declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date was required.

On 09 June 2006, applicants filed a response to the Notification Of Missing Requirements. The submission included the required surcharge payment, declarations executed by two of the five inventors, and the petition under 37 CFR 1.47(a). In a decision dated 29 September 2006, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice.

On 22 January 2007, applicants filed the present renewed petition under 37 CFR 1.47(a).

### DISCUSSION

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the nonsigning inventor; (3) an oath or declaration executed by the other inventors on behalf of themselves and the nonsigning inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

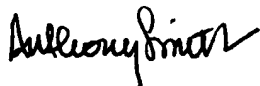
A review of the papers filed 22 January 2007 reveals that petitioner has paid the requisite petition fee, provided sufficient proof that the non-signing inventor (Thomas L. Renger, Devin F. Hosea, and Nathaniel J. Thurston) refused to execute the application or cannot be located after diligent effort, stated the last known address of the non-signing inventor (Thomas L. Renger, Devin F. Hosea, and Nathaniel J. Thurston), and provided an acceptable declaration. Accordingly, all of the requirements of items (1), (2), (3), and (4) above have been satisfied.

### CONCLUSION

The petition under 37 CFR 1.47(a) is GRANTED. The application is accepted under 37 CFR 1.47(a) without the signatures of joint inventors Thomas L. Renger, Devin F. Hosea, and Nathaniel J. Thurston.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventors at the last known addresses set forth in the petition, and notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accord with this decision. The date under 35 U.S.C. 371 (c)(1), (c)(2), and (c)(4) is 09 June 2006.



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For: CONTENT NOTIFICATION AND DELIVERY

Dear Devin Hosea:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

A handwritten signature in black ink, appearing to read "Anthony Smith".

Anthony Smith  
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For: CONTENT NOTIFICATION AND DELIVERY

Dear Nathaniel J. Thurston:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

A handwritten signature in black ink, appearing to read "Anthony Smith".

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Thomas L. Renger  
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Dear Thomas L. Renger :

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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